

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Pakola et al.

Serial No.:

10/729,475

Filing Date:

December 5, 2003

Docket No.:

113476.122US1

Title:

Pharmacological Vitreolysis

Art Unit:

1651

Examiner:

Not Yet Assigned

Conf. No.:

3082

Cust. No.:

23483

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Brenda Robl

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants and their legal representatives hereby make of record on the attached PTO Form-1449 the following publications, which are known to them and considered warranting disclosure under 37 C.F.R. § 1.56. The best available copies of each of these publications, excluding the U.S. Patents and published applications, are enclosed.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b)(3) before the mailing date of the first Office Action on the merits, therefore no fee is believed to be due.

Applicants state that U.S. Patent No. 5,288,489 was cited in an International Search Report issued

in connection with counterpart Patent Cooperation Treaty Application No. PCT/US03/38714. A copy of the International Search Report is also enclosed for the Examiner's review.

It is respectfully requested that the information above be expressly considered during the prosecution of this application and that the publications be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In this regard, it is requested that the Examiner initial and return a copy of the enclosed Form PTO-1449 with the next Patent Office Communication.

This submission does not represent that a search has been made and does not constitute an admission that the listed documents are material to patentability or that the listed documents are prior art. If it should be determined that any of the listed documents constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the significance of such documents to the patentability of the claimed invention.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b)(3) before the mailing date of the first Office Action on the merits and is therefore submitted as both timely and proper; therefore, no fees are believed to be due for this Information Disclosure Statement. The Commissioner, however, is hereby authorized to charge any fees necessary to maintain the pendency of this application to Deposit Account No. <u>08-0219</u>.

Respectfully submitted,

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Subt. For, PTO-1449

INFORMATION DISCLOSURE IN AN APPLICATION

(Use several sheets if necessary)

OF

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Docket Number 113476.122US1 Application Number 10/729,475

Applicant Pakola, et al.

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xaminer	Document Number	Publn.	ent Documents Name Of Patentee Or	Pages, Columns, Lines, Where
Initial		Date	Applicant Of Cited	Relevant Passages Or Relevant
		mm-dd-yyyy	Documents	Figures Appear
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DATE CONSIDERED

EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.

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